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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,861	11/19/2003	Dwayne A. Crocker	GP-304076	6799

7590 03/30/2007
General Motors Corporation
Legal Staff, Mail Code 482-C23-B21
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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/716,861

Applicant(s)

CROCKER ET AL.

Examiner

Creighton H. Smith

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10, & 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al, U.S. Patent Publication #2004/0203672 in view of Poplawsky et al, U.S. Patent Publication #2002/0032042 or Ampunan et al, U.S. Patent Publication #2005/0080606 or Oesterling et al '799.

Crocker et al discloses a method of initiating a telematics service in a mobile vehicle, with the service initiation call received from a call center (170), [0006]. In [0020] Crocker et al disclose that land network (160) may be a PSTN and that the network may be either wired, optical, fiber, optical, another wireless network, *or any combination thereof*. Crocker et al never disclose that that one of various networks that they have disclosed could be the Internet with the phone call being VoIP. However, Poplawsky et al do disclose in [0057] a wireless communication device (102) that uses the Internet as the network for the communications. Poplawsky et al disclose in [0057] that vehicle (302) has only one IP address. In [0058] Poplawsky et al disclose that a communication is prepared at a site remote from vehicle (302). This communication packet includes an IP address for the 1st vehicle. The packet also includes port information or other identifying information associated with subsystem (378). The port information reads upon applicant's phrase "server call in parameters". In [0059] Poplawsky et al disclose that a server conducts an address translation by which the vehicle IP address is

provided before the communication is sent over the Internet. To have provided Poplawsky et al teaching of providing wireless communications to and from a vehicle by using VoIP into Crocker et al telecommunications method would have been obvious to a person having ordinary skill in the art, because Crocker has already disclose a plurality of networks in [0020]. The person with ordinary skill in the wireless communication arts will readily realize that it would have obvious to take Polawsky et al disclosure of providing wireless communications over the Internet and added it to Crocker's networks.

Ampunan et al disclose that one of the networks (144) to communicate with vehicle (110) is the Internet/IP network, [0026]. For claim 7, Ampunan et al disclose the Short Message Service system in [0025]. Oesterling et al discloses in col. 4, lines 4-6, that land network (150) could also be the IP network.

Claims 4, 11, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

26 MAR '05



Creighton H Smith
Primary Examiner
Art Unit 2614